

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EMOJI COMPANY GbmH,)	
)	
Plaintiff,)	Case No. 22-cv-6862
)	
v.)	Hon. Steven C. Seeger
)	
THE INDIVIDUALS, CORPORATIONS,)	
LIMITED LIABILITY COMPANIES,)	
PARTNERSHIPS, AND)	
UNINCORPORATED ASSOCIATIONS)	
IDENTIFIED ON SCHEDULE A HERETO))	
)	
Defendants.)	
)	

INITIAL STATUS REPORT UNDER RULE 26(f)

Plaintiff prepared this Initial Status Report as required by Rule 26(f), because no defendants have appeared.

I. Nature of the Case

- A. Plaintiff is represented by Michael A. Hierl, William B. Kalbac and Robert P. McMurray of Hughes Socol Piers Resnick & Dym Ltd. of Chicago, Illinois. Michael A. Hierl is the lead trial attorney.

- B. The Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051 et seq., the Copyright Act, 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims in this action that arise under the laws of the State of Illinois pursuant to 28 U.S.C. § 1367(a), because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

- C. Plaintiff has filed this action to combat the infringement of Plaintiff's EMOJI trademarks (Registration Nos. 4,868,832; 5,202,078 and 5,415,510). The named Defendants operate online stores which appear to be selling Plaintiff's products.

- D. Plaintiff asserts the following claims in its complaint: Count I-Trademark Infringement and Counterfeiting (15 U.S.C. § 1114); Count II-False Designation of Origin (15 U.S.C. § 1125(a)) and Count III-Violation of Illinois Uniform Deceptive Trade Practices Act (815 ILCS § 510/1, et seq.).
- E. Whether Defendants have violated Plaintiff's intellectual property rights.
- F. Whether Defendants have violated Plaintiff's intellectual property rights.
- G. Plaintiff is seeking to prevent Defendants from infringing Plaintiff's intellectual property rights and the turnover of assets held by e-commerce platforms relating to those stores.
- H. Defendants have not been served with process yet because the Temporary Restraining Order ("TRO") which directs the third-party e-commerce platforms to provide Plaintiff with the contact information of Defendants is pending.

II. Discovery

Event	Deadline
Mandatory Initial Discovery Responses	No Defendants have appeared.
Amendment to the pleadings	June 1, 2023
Service of process on any "John Does"	Within 5 days of receipt of the TRO
Completion of Fact Discovery	No Defendants have appeared.
Disclosure of Plaintiff's Expert Report(s)	No Defendants have appeared.
Deposition of Plaintiff's Expert	No Defendants have appeared.
Disclosure of Defendant's Expert Report(s)	No Defendants have appeared.
Deposition of Defendant's Expert	No Defendants have appeared.
Dispositive Motions	No Defendants have appeared.

- B. It has not been determined how many depositions will be taken at this time because no Defendants have appeared.
- C. Plaintiff does not foresee any special issues during discovery because no Defendants have appeared.
- D. Plaintiff has not discussed a discovery plan because no Defendants have appeared.

III. Trial

- A. No Defendants have demanded a jury trial.
- B. No Defendants have demanded a jury trial.

IV. Settlement, Referrals, and Consent

- A. To date, no settlement discussions have occurred.
- B. Plaintiff does not request a settlement conference before this Court or the Magistrate Judge.
- C. Counsel has informed their client about the possibility of proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment. Plaintiff does not consent to this procedure.

V. Other

- A. Plaintiff has nothing further for the Court.
- B. No Defendants have appeared in this matter.

Respectfully submitted,

Dated: March 6, 2023

By: s/Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
William B. Kalbac (Bar No. 6301771)
Robert P. McMurray (Bar No. 6324332)
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EMOJI COMPANY GmbH

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Status Report was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on March 6, 2023.

s/Michael A. Hierl